

REMARKS

A Petition and Fee for Two Month Extension of Time is submitted herewith.

Claims 1-55 are all the claims presently pending in this application. Claims 1,2-4, 6, 8, 10, 12-15, 18, 20-23, 25, 27, 29, 31-34, 37, 37, 39, 40-42, 44, 46-47, 49-52 and 54 have been amended to more particularly define the claimed invention.

It is noted that the amendments are made only to more particularly define the invention and not for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 1-55 stand rejected under 35 U.S.C. §102(e) as being anticipated by Guo et al., U.S. Pat. No. 6,982,949.

This rejection is respectfully traversed in view of the following discussion.

I. APPLICANT'S CLAIMED INVENTION

The claimed invention, as defined, for example, by independent claim 1, (and similarly independent claims 8, 12, 20, 27, 31, 39, 46 and 49) is directed to a method of collecting information used for adjustments with an information collecting server in a radio communication system connected to at least one mobile radio terminal for performing user communications, including, in the mobile radio terminal, monitoring a communication status of user communication and detecting as a trigger when the communication status has satisfied a predetermined condition, acquiring a reception status of a radio signal when the trigger is

detected, acquiring the position of the mobile radio terminal, and sending measured information including the reception status and the position to the information collecting server; and, in the information collecting server, recording the measured information received from the mobile radio terminal.

Conventionally, collecting reception status information has been a task of the general mobile radio terminal owned by a user used to measure reception status information, and the measured reception status information is collected from the mobile radio terminal.

(Application at page 3, lines 1-7.)

The claimed invention (e.g., as recited in claims 1, 8, 12, 20, 27, 31, 39, 46 and 49), on the other hand, includes *monitoring a communication status of user communication and detecting as a trigger when said communication status has satisfied a predetermined condition, and acquiring the position of said mobile radio terminal, and sending measured information to an information collecting server that includes said reception status and said position to said information collecting server*. This feature of the claimed invention is important to recognize the cause of changes in the reception status by triggering collection of reception status and positional information on the basis of a predetermined trigger of a communication status of communication and not merely a reception status.

II. THE PRIOR ART REJECTION

The 35 U.S.C. § 102(e) Rejection over Guo et al., U.S. Pat. No. 6,982,949

The Examiner alleges that Guo et al., U.S. Pat. No. 6,982,949, (Guo), teaches the invention of claims 1-55.

A. Applicant's Independent Claim 1

With respect to Applicant's independent claim 1, Applicant submits, however, that Guo does not teach or suggest, "*in said mobile radio terminal, monitoring a communication status of user communication and detecting as a trigger when said communication status has satisfied a predetermined condition; acquiring a reception status of a radio signal when said trigger is detected; acquiring the position of said mobile radio terminal; and sending measured information including said reception status and said position (to be recorded) by said information collecting server.*"

Guo discloses only measuring the received signal strength to determine if a vertical or horizontal handoff should occur.

In an embodiment of the invention, achieving these second case goals comprises enabling the mobile computing device 102 to detect an approaching wireless network cell boundary from the dynamic history of the signal strength received from the wireless network access point currently providing service to the mobile computing device 102, that is, without the benefit of simultaneous reference to the received signal strength of a candidate wireless network cell for direct comparison. (Emphasis added.) (Column 9, line 62 to column 10, line 3.)

Therefore, Guo fails to teach or suggest *monitoring a communication status of a user communication and detecting as a trigger when said communication status has satisfied a predetermined condition.*

Additionally, Guo fails to teach or suggest *acquiring a reception status of a radio signal when said trigger is detected* since Guo is only concerned with determining when a received signal strength falls below a predetermined threshold to initiate a routine of determining whether to undergo a vertical or horizontal handoff procedure.

Guo fails to teach or suggest, and the rejection provided by the Examiner fails to indicate where Guo discloses Applicant's claimed invention of *acquiring the position of said*

mobile radio terminal. The passages cited by the Examiner allegedly teaching this component of Applicant's claimed invention fail to teach or suggest acquiring a position of a mobile communication device.

Furthermore, and the rejection provided by the Examiner fails to indicate where Guo discloses Applicant's claimed invention of sending measured information including said reception status and said position (to be recorded) by said information collecting server.

The Examiner states, "...note that in a handoff process involves sending measured information including reception status and position information to a server; and the server recording measured information received from mobile radio terminal)." However, there is no teaching or suggestion in Guo of sending measured information including a reception status, or received signal strength, and a position of a mobile communication device to an information collecting server for recording.

B. Applicant's Independent Claim 8

With respect to Applicant's independent claim 8, Applicant submits, however, that Guo does not teach or suggest, and the Examiner fails to address where Guo discloses Applicant's claimed invention of, "in said information collecting server, sending trigger information serving as a measuring trigger simultaneously to the at least one mobile radio terminal; in said mobile radio terminal, when said trigger information is received, acquiring a reception status of a radio signal; acquiring the position of said mobile radio terminal; and sending measured information including said reception status and said position to said information collecting server."

Guo fails to teach or suggest Applicant's claimed invention of sending trigger

information serving as a measuring trigger to the at least one mobile radio terminal; in said mobile radio terminal, when said trigger information is received, acquiring a reception status of a radio signal. Guo discloses, as demonstrated above in Applicant's remarks with respect to independent claim 1, that the vertical or horizontal handoff procedure is initiated by the mobile communication device initiating a handoff scheme by determining a relative signal strength of a communication frequency. Guo fails to teach or suggest sending any trigger information to the communication device, and therefore, Guo fails to teach or suggest acquiring a reception status of a radio signal when trigger information is received by the communication device.

With respect to Guo failing to teach or suggest acquiring the position of said mobile radio terminal; and sending measured information including said reception status and said position to said information collecting server, please see Applicant's remarks above with respect to independent claim 1.

C. Applicant's Independent Claim 12

With respect to Applicant's independent claim 12, Applicant submits, however, that Guo does not teach or suggest, "in said information collecting server, sending trigger information serving as a measuring trigger simultaneously to the at least one mobile radio terminal; in said mobile radio terminal, monitoring a communication status of user communication and detecting as a trigger when said communication status has satisfied a predetermined condition; when one of said trigger information is received and said trigger is detected, acquiring a reception status of a radio signal; acquiring the position of said mobile radio terminal; and sending measured information including said reception status and said

position to said information collecting server.

Guo fails to teach or suggest sending trigger information serving as a measuring trigger simultaneously to the at least one mobile radio terminal, and acquiring a reception status of a radio signal...when said trigger information is received, as demonstrated above in Applicant's remarks with respect to independent claim 8.

Guo fails to teach or suggest monitoring a communication status of user communication and detecting as a trigger when said communication status has satisfied a predetermined condition, acquiring a reception status of a radio signal...when said trigger is detected acquiring the position of said mobile radio terminal; and sending measured information including said reception status and said position to said information collecting server, as demonstrated above in Applicant's remarks with respect to independent claim 1.

D. Applicant's Independent Claim 20

With respect to Applicant's independent claim 20, Applicant submits, however, that Guo does not teach or suggest, "at least one mobile radio terminal that monitors a communication status of user communications, and if a trigger is detected when said communication status has satisfied a predetermined condition, acquiring a reception status of a radio signal and the position of the mobile radio terminal, and sending measured information including said reception status and said position."

Guo fails to teach or suggest mobile communication device that monitors a communication status of user communications, and if a trigger is detected when said communication status has satisfied a predetermined condition, acquiring a reception status of a radio signal and the position of the mobile radio terminal, and sending measured

information including said reception status and said position, as demonstrated above in Applicant's remarks with respect to independent claim 1.

E. Applicant's Independent Claim 27

With respect to Applicant's independent claim 27, Applicant submits, however, that Guo does not teach or suggest, "at least one mobile radio terminal for, if a trigger information as a measuring trigger is received, acquiring a reception status of a radio signal and the position of the mobile radio terminal, and sending measured information including said reception status and said position; and an information collecting server that sends said trigger information simultaneously to the at least one mobile radio terminal, and recording the measured information which has been received from said mobile radio terminal."

Guo fails to teach or suggest a trigger information as a measuring trigger is received, an information collecting server that sends said trigger information simultaneously to the at least one mobile radio terminal, as demonstrated above in Applicant's remarks with respect to independent claim 8.

Guo fails to teach or suggest acquiring... the position of the mobile radio terminal, sending measured information including said reception status and said position, an information collecting server recording the measured information which has been received from said mobile radio terminal, as demonstrated above in Applicant's remarks with respect to independent claim 1.

F. Applicant's Independent Claim 31

With respect to Applicant's independent claim 31, Applicant submits, however, that

Guo does not teach or suggest, “at least one mobile radio terminal that monitors a communication status of user communications, and if a trigger is detected when said communication status has satisfied one of a predetermined condition and trigger information as a measuring trigger is received, acquiring a reception status of a radio signal and the position of the mobile radio terminal, and sending measured information including said reception status and said position; and an information collecting server that sends said trigger information simultaneously to the at least one mobile radio terminal, and recording the measured information which has been received from said mobile radio terminal.”

Guo fails to teach or suggest at least one mobile radio terminal that monitors a communication status of user communications, if a trigger is detected when said communication status has satisfied...a predetermined condition, acquiring a reception status of a radio signal and the position of the mobile radio terminal, sending measured information including said reception status and said position, and recording the measured information which has been received from said mobile radio terminal, as demonstrated above in Applicant’s remarks with respect to independent claim 1.

Guo fails to teach or suggest if a trigger is detected when said communication status has satisfied...trigger information as a measuring trigger is received, and acquiring a reception status of a radio signal and the position of the mobile radio terminal, as demonstrated above in Applicant’s remarks with respect to independent claim 8.

G. Applicant’s Independent Claim 39

With respect to Applicant’s independent claim 39, Applicant submits, however, that Guo does not teach or suggest, “a communication status acquisition unit that acquires a

communication status of user communication; a reception status acquisition unit that acquires a reception status of a radio signal; a positional information acquisition unit that acquires the position of the mobile radio terminal; and a control unit, triggerable when said communication status acquired by said communication status acquisition unit has satisfied a predetermined condition, that instructs said reception status acquisition unit to acquire said reception status and instructing said positional information acquisition unit to acquire said position, and, when said reception status and said position are acquired, sending measured information including said reception status and said position to said information collecting server,” as demonstrated above in Applicant’s remarks with respect to independent claim 1

H. Applicant’s Independent Claim 46

With respect to Applicant’s independent claim 46, Applicant submits, however, that Guo does not teach or suggest, “a trigger information reception unit that receives trigger information as a measuring trigger from said information collecting server; a positional information acquisition unit that acquires the position of the mobile radio terminal; and a control unit, triggerable when said trigger information is received by said trigger information reception unit, that instructs said reception status acquisition unit to acquire said reception status and instructing said positional information acquisition unit to acquire said position, and, when said reception status and said position are acquired, sending measured information including said reception status and said position to said information collecting server.”

Guo fails to teach or suggest, a trigger information reception unit that receives trigger information as a measuring trigger from said information collecting server, a control unit,

triggerable when said trigger information is received by said trigger information reception unit, that instructs said reception status acquisition unit to acquire said reception status and instructing said positional information acquisition unit to acquire said position, as demonstrated above in Applicant's remarks with respect to independent claim 8.

Guo fails to teach or suggest, a positional information acquisition unit that acquires the position of the mobile radio terminal, and sending measured information including said reception status and said position to said information collecting server, as demonstrated above in Applicant's remarks with respect to independent claim 1.

I. Applicant's Independent Claim 49

With respect to Applicant's independent claim 49, Applicant submits, however, that Guo does not teach or suggest, "a communication status acquisition unit that acquires a communication status of user communication; a trigger information reception unit that receives trigger information as a measuring trigger from said information collecting server; a positional information acquisition unit that acquires the position of the mobile radio terminal; and a control unit, triggerable when said communication status acquired by said communication status acquisition unit has satisfied one of a predetermined condition and said trigger information is received by said trigger information reception unit, that instructs said reception status acquisition unit to acquire said reception status and instructing said positional information acquisition unit to acquire said position, and, when said reception status and said position are acquired, sending measured information including said reception status and said position to said information collecting server."

Guo fails to teach or suggest, a communication status acquisition unit that acquires a

communication status of user communication, a positional information acquisition unit that acquires the position of the mobile radio terminal, a control unit, triggerable when said communication status acquired by said communication status acquisition unit has satisfied ...a predetermined condition..., that instructs said reception status acquisition unit to acquire said reception status and instructing said positional information acquisition unit to acquire said position, and sending measured information including said reception status and said position to said information collecting server, as demonstrated above in Applicant's remarks with respect to independent claim 1.

Guo fails to teach or suggest, a trigger information reception unit that receives trigger information as a measuring trigger from said information collecting server, a control unit, triggerable when said communication status acquired by said communication status acquisition unit has satisfied...said trigger information is received by said trigger information reception unit, that instructs said reception status acquisition unit to acquire said reception status and instructing said positional information acquisition unit to acquire said position, as demonstrated above in Applicant's remarks with respect to independent claim 8.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art reference to Guo fails to teach or suggest each element and feature of Applicant's claimed invention.

III. FORMAL MATTERS AND CONCLUSION

Applicant requests that the Examiner acknowledge receipt of the priority document filed on November 5, 2003. Applicant respectfully requests the Examiner to indicate on the PTOL-326 under Priority under 35 U.S.C. § 119 whether the certified copy of the priority document has been received. The PTOL-326 included in the Office Action mailed on April 6, 2007 leaves all check boxes 1-3 blank.

In view of the foregoing, Applicant submits that claims 1-55, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

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Respectfully Submitted,

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